

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE			ATTORNEYS					
Larry G. Linebarger, vs. State of Oklahoma and Ray H. Page, Warden			For plaintiff: Larry G. Linebarger #72360 Oklahoma State Penitentiary McAlester, Okla. John K. Harlin, Jr. Wright Building Tulsa, Oklahoma 74103					
			For defendant: G. T. Blankenship, Attorney General State Capitol Building Oklahoma City, Oklahoma 73105 Charles L. Owens, Assistant Atty. Gen.					
STATISTICAL RECORD	COSTS		DATE	NAME OR RECEIPT NO.	REC.		DISB.	
J.S. 5 mailed 7-5-67	Clerk							
J.S. 6 mailed 12-1-67	Marshal							
Basis of Action: Writ of Habeas Corpus	Docket fee							
	Witness fees							
Action arose at:	Depositions							

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-23-67	Pauper's Oath & Affidavit to proceed in forma pauperis, filed	
6-23-67	Ordered by the Court that the plaintiff shall proceed in forma pauperis. (Fred Daugherty - Judge) b	
6-23-67	Petition for Writ of Habeas Corpus, filed. b	
7-1-67	Ordered by the Court that the plaintiff file necessary forms as requested within 15 days from date or the Court will treat the petition as abandoned and dismiss the same. (Fred Daugherty - Judge) b	
7-10-67	Petition for Writ of Habeas Corpus, filed. b	
7-26-67	Order for defendant to show cause, filed. (Fred Daugherty - Judge) b	Copy
7-26-67	mailed Attorney General of Oklahoma	
7-26-67	Ordered by the Court that that part of the order to show cause which requests the respondents to respond to motion for subpoena duces tecum is stricken and respondents shall respond to petitioner's allegation that he was not advised of his rights at the time of his arrest. (Fred Daugherty - Judge) b	
7-28-67	Plaintiff's motion for subpoena duces tecum for jurors, filed, with affidavit attached. b	
8-1-67	Ordered by the Court that the respondents respond to the plaintiff's motion for subpoena duces tecum for each of the jurors who served on his jury at the trial in the District Court of Tulsa County on June 9, 1967, within 15 days from date. (Fred Daugherty - Judge) b	
8-14-67	Letter (response) of plaintiff, with affidavits, filed. b	
8-15-67	Respondents' response, filed. b	
8-18-67	Traverse, with attachments, filed. copy mailed to defendant's atty. b	
9-5-67	Order, filed, John K. Harlin, Jr., appointed to represent the plaintiff. (Fred Daugherty - Judge) Copies mailed to atty., deft. and pltf. b	
9-26-67	Ordered by the Court that this case is set for evidentiary hearing on Monday, October 23, 1967 at 10:00 A. M. (Fred Daugherty - Judge) b	
10-3-67	Petition for writ of habeas corpus ad testificandum, filed. b	
10-3-67	Order granting writ of habeas corpus ad testificandum, to appear October 23rd, 1967 at 10:00 A. M. (Fred Daugherty - Judge) Writ issued. b	
10-16-67	Plaintiff's application to subpoena witnesses at cost of government, filed. b	
10-16-67	Order, filed, that Wilma Calico, et al., be subpoenaed as witnesses for the plaintiff, at costs of the government, (Fred Daugherty-Judge)	
10-16-67	Subpoenaes issued for above witnesses. b	
10-20-67	Return on subpoenas, filed. Served W. E. Cox and Louis F. Grayson at Tulsa, Oklahoma, on 10-16-67. \$5.44. Served Addie Lee Dean at Tulsa, Okla on 10-17-67. \$2.96. Served Ethel Ramey and Mrs. Wilma Calico at Tulsa, Okla, on 10-17-67. \$6.16. Served Jean Holland at Tulsa, Oklahoma, on 10-18-67. \$2.16. ds	
10-23-67	Evidentiary hearing held, case submitted to the Court and taken under advisement. U. S. Marshal directed to return petitioner to penitentiary. (Fred Daugherty - Judge) b (Lee Cook - CSR)	
10-30-67	Memorandum opinion, filed - petitioner's petition in habeas corpus is found to be without merit; petition is found to be held by the State of Oklahoma with none of his constitutional rights having been violated in his conviction and action set forth in his petition for writ of habeas corpus should be dismissed. Counsel for the respondents prepare appropriate judgment in conformity with the foregoing. (Fred Daugherty - Judge) Copies mailed petitioner, attorneys and Tulsa County Attorney. b	
10-30-67	Writ of habeas corpus ad testificandum returned, filed - executed by taking custody of Larry G. Linebarger at Oklahoma State Penitentiary at McAlester, Okla., on 10-11-67 and placing him in Tulsa County Jail and returning him to Oklahoma State Penitentiary on 10-27-67. b	

(Continued on Page No. 3, Sheet No. 2)

D. C. 110A Rev. Civil Docket Continuation

Sheet No. 2

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DATE	PROCEEDINGS	Date Order or Judgment Noted
11-16-67	Judgment filed and entered, that the petition for writ of habeas corpus is denied. (Fred Daugherty - Judge) Copies mailed to petitioner, counsel and defendant's counsel.	
11-16-67	Petitioner's notice of appeal with notice of intention to appeal to the United States Circuit Court of appeals for the Tenth Circuit, filed.	
11-16-67	Copy of notice of appeal mailed to Charles L. Owens, Ass't. Atty. Gen.	b
11-16-67	Affidavit of Larry G. Linebarger and motion to proceed in forma pauperis, filed.	b
11-17-67	Application of petitioner for certificate of probable cause, filed.	b
11-17-67	Certificate of probable cause, filed. (Fred Daugherty-Judge) Copies mailed to petitioner, John Harlin, Jr., and Charles Owens.	b
11-21-67	Petitioner's motion for new trial (letter of 11-17-67) filed.	b
11-24-67	Petitioner's motion for rehearing and/or reconsideration, filed. Copies mail counsel.	b
11-30-67	Order overruling petitioner's two Motion for Rehearing, filed. (FD-J) (copies mailed)	
12-26-67	Order filed ahtat the petitioner's time to docket appeal is extended 45 days and he may docket the appeal with the Clerk of the Tenth Circuit Court of Appeals by February 9, 1967 the case. (Fred Daugherty - Judge)	b
1-3-68	Petitioner's motion to proceed in forma pauperis, filed.	b
1-3-68	Petitioner's affidavit of poverty for leave to appeal in forma pauperis, filed.	
1-3-68	Order filed, granting leave to prosecute appeal in forma pauperis, filed. (Fred Daugherty - Judge)	b
2-27-68	Court Reporter's transcript of proceedings on 10-23-1967, filed. (Lee Cook, Reporter).	g
3-1-68	Transcript of documents in lieu of appeal record sent to USCA.	g
3-28-68	Record on appeal sent to USCA, Denver.	g
1-17-69	CC of Order and Opinion of USCA, 10th Circuit, affirming judgment entered herein on Nov. 16, 1967, filed.	g
2-26-69	Transcript of original record forwarded to Clerk, U. S. Supreme Court.	g

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